

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMAJohn Seak
Plaintiff

vs.

Patrick Montgomery
DefendantCase No. CIV-11-864-C

MAY 2012 Trial Docket

SCHEDULING ORDERDate September 1, 2011 Judge Robin J. Cauthron Clerk Linda GoodeAppearing for Plaintiff Greg Reilly (phone)Appearing for Defendant Rachel C. Mathis, Henry HossJury Trial Demanded ☒ Non-Jury Trial ☐THE FOLLOWING DEADLINES ARE SET BY THE COURT1. Motions to join additional parties to be filed by October 1, 2011.2. Motions to amend pleadings to be filed by October 1, 2011.3. (a) Plaintiff to file a **final** list of **expert witness(es) in chief and submit expert reports** to Defendant by January 3, 2012.*(b) Defendant to file a **final** list of **expert witness(es) in chief and submit expert reports** to Plaintiff by 14 days thereafter.*4. (a) Plaintiff to file a **final** list of **witnesses** together with addresses and brief summary of expected testimony where witness has not already been deposed by February 15, 2012.*(b) Defendant to file a **final** list of **witnesses** (as described above) 14 days thereafter.*5. (a) Plaintiff to file a **final exhibit** list by February 15, 2012.* Defendant to file objections to Plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by March 15, 2012.(b) Defendant to file a **final exhibit** list by February 25, 2012.* Plaintiff to file objections to defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B), by March 25, 2012.

*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used it

the need arises. Except for good cause shown, no witness shall be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.

6. Discovery to be completed by March 1, 20127. All dispositive and *Daubert* motions to be filed by March 1, 2012.If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.8. Trial docket May 14, 2012 **

**Trial dockets generally begin the second Monday of each month; however, this practice varies, particularly during holidays. The published trial docket will announce the trial setting.

The interval between the dispositive motion deadline (§ 7) and the trial docket (§ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

9. Designations of deposition testimony to be used at trial to be filed by May 1, 2012.
Objections and counter designations to be filed by May 6, 2012.

10. Motions in limine to be filed 7 days prior to the pretrial report.
11. Requested voir dire to be filed 7 days prior to the pretrial report.
12. Trial briefs (optional unless otherwise ordered) to be filed 7 days prior to the pretrial report.
13. Requested jury instructions to be filed on or 7 days prior to the pretrial report.***
14. NON-JURY CASES ONLY: Proposed findings and conclusions of law to be filed no later than 7 days prior to the pretrial report.***

***In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box: cauthron-orders@okwd.uscourts.gov

15. Any objection or response to the trial submissions referenced in 10, 11, 12, 13, or 14 to be filed within 14 days thereafter.

16. The Final Pretrial Report, approved by all counsel, **and in full compliance** with Local Rules (see Appendix IV), together with a proposed order approving the report, to be submitted to the Court by May 1, 2012.

17. This case is referred to the following Court-sponsored ADR/settlement process or special trial track:

___ by agreement of the parties, with the approval of the Court:
 ___ by Order of the Court:

___ Mediation
 ___ Judicial Settlement Conference
 ___ Other _____

If the case is referred to mediation or some other form of private ADR, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than _____.

18. Except as otherwise specifically ordered by the assigned judge, this case will not be scheduled for a judicial settlement conference unless, not later than ten days after the trial docket is published, the parties file a joint motion requesting a judicial settlement conference. The motion shall contain a certification by counsel that the parties have been advised of the motion and approve its filing. The motion shall further describe in detail the settlement efforts made and dispute resolution techniques previously used in the case.
19. ___ The parties consent to trial by a Magistrate Judge.
20. Initial disclosures pursuant to Fed. R. Civ. P. 26 have been made _____; are excused _____; or shall be made no later than Sept. 14, 2011.
21. Other: _____

Mediation packets can be found on the court's website.

BY ORDER OF THE COURT
 ROBERT D. DENNIS, CLERK

By _____

Deputy Clerk